

REMARKS

The Examiner has asserted a restriction requirement to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-22 are drawn to a method capturing an image of an eye having an iris, classified in class 351, subclass 209.
- II. Claims 23-43 are drawn to a computer readable medium having computer executable instruction, classified in class 351, subclass 222.
- III. Claims 44-54 are drawn to an apparatus for capturing an image of an eye having an iris, classified in class 351, subclass 205.

In response to the restriction as contained in the March 28, 2007, Office action, Applicant elects the claims of Group II. The claims of Group I, claims 1-22, and Group III, claims 44-45, have been withdrawn from further consideration by the examiner as being drawn to non-elected inventions.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date. Specifically, Applicant seeks allowance of claims 23-43, and

respectfully requests that a timely Notice of Allowance be issued in this case.

If there are any remaining issues that can be resolved by telephone, the Examiner is invited to contact Applicant's attorney at the telephone number indicated below.

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Please charge our Deposit Account No. 10-0440, if any fees are necessary in this matter.

Respectfully submitted,

JEFFER, MANGELS, BUTLER & MARMARO LLP

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By:



George G.C. Tseng, Esq.
Reg. No. 41,355
1900 Avenue of the Stars
Seventh Floor
Los Angeles, CA 90067-4308
Phone (310) 203-8080

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Response to Restriction
Requirement
Dated April 30, 2007

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Appl. No. 10/710,955
Atty. Docket No. 64165-5004